

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MATTHEW JOHN MATAGRANO,

Plaintiff,

v.

9:05-CV-1459
(DNH)(RFT)

REGINA MILES, MD.; ROBERT CARR; ANN ANDZEL;
MS. CHRISTINE; JOHN DOE; JOHN DINARDO

Defendants.

APPEARANCES:

MATTHEW JOHN MATAGRANO
183762
Plaintiff, *pro se*
Central New York Psychiatric Center
P.O. Box 300
Marcy, New York 13403

RANDOLPH F. TREECE, MAGISTRATE JUDGE

ORDER

The Clerk has sent to the Court for review an Amended Complaint from Matthew John Matagrano, who is presently confined at Central New York Psychiatric Center.¹ Plaintiff has also filed an Application to Proceed *in Forma Pauperis* and an Inmate Authorization Form. Dkt. Nos. 2 & 3.

By his Amended Complaint, Plaintiff states that he suffers from a bilateral hearing impairment and is sensorially disabled. Plaintiff further states that he has been diagnosed with a psychiatric disorder, for which he requires treatment. Plaintiff has been confined at the Central New York Psychiatric Center since September 2005, and asserts several claims arising out of his confinement at that facility. Plaintiff claims, *inter alia*, that he has been denied reasonable

¹ Plaintiff's pleading, which bears the heading "Supplemental Complaint," is a complete pleading which names additional Defendants, and is properly construed as an Amended Complaint. Dkt. No. 4. This Amended Complaint was filed by Plaintiff as of right pursuant to FED. R. CIV. P. 15(a).

accommodations for his hearing impairment in violation of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, and that Defendants have denied him proper care for his serious medical conditions. For a complete statement of Plaintiff's claims, reference is made to the Amended Complaint.

As to Plaintiff's *in Forma Pauperis* Application, after reviewing the entire file, the Court finds that Plaintiff may properly proceed with this matter *in forma pauperis*.

WHEREFORE, it is hereby

ORDERED, that Plaintiff's *in Forma Pauperis* Application is **granted**.² The Clerk shall provide the Superintendent of the facility, designated by Plaintiff as his current location, with a copy of Plaintiff's Inmate Authorization Form, and notify the official that this action has been filed and that Plaintiff is required to pay the entire statutory filing fee of \$250.00 pursuant to 28 U.S.C. § 1915; and it is further

ORDERED, that the Clerk revise the docket to reflect that the Defendants identified in Plaintiff's Amended Complaint (Dkt. No. 4) are the Defendants in this action. The Clerk shall also issue Summonses and forward them, along with copies of the Amended Complaint, to the United States Marshal for service upon the Defendants. The Clerk shall forward a copy of the Summons and Amended Complaint to the Office of the New York State Attorney General, together with a copy of this Order; and it is further

ORDERED, that the Clerk provide a copy of Plaintiff's Inmate Authorization Form to the Financial Deputy of the Clerk's Office; and it is further

ORDERED, that a response to Plaintiff's Amended Complaint be filed by the Defendants

² Plaintiff should note that although his *in Forma Pauperis* Application has been granted, Plaintiff will still be required to pay fees that he may incur in this action, including copying and/or witness fees.

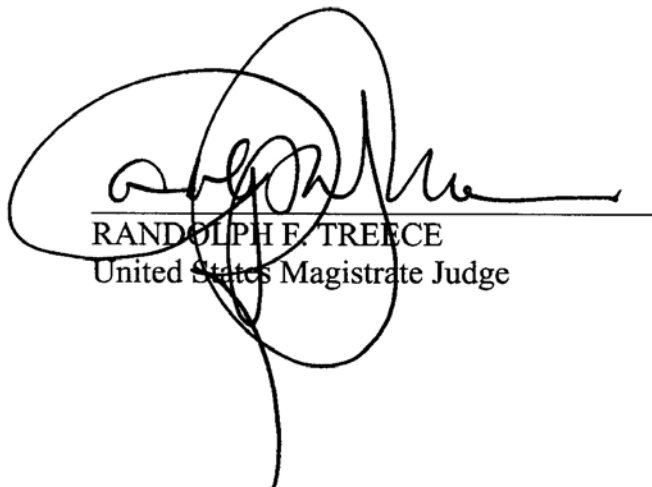
or their counsel as provided for in the Federal Rules of Civil Procedure after service of process on the Defendants; and it is further

ORDERED, that all pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that a true and correct copy of same was mailed to all opposing parties or their counsel. Any document received by the Clerk or the Court which does not include a proper certificate of service will be returned, without processing.** Plaintiff must comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned Magistrate Judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in Plaintiff's address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers without oral argument unless otherwise ordered by the Court; and it is further

ORDERED, that the Clerk serve a copy of this Order on Plaintiff by regular mail.

IT IS SO ORDERED.

Date: April 21, 2006
Albany, New York



RANDOLPH F. TREECE
United States Magistrate Judge